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Remarks:

Amendments to the claims:

Claims 1-10 and 12-21 are pending in this application. By this Amendment, new claim 21 is added and claim 11 is canceled.

No new matter is added to the application by this Amendment. New claim 21 finds support in, for example, claim 1, as originally filed, and within the specification, as originally filed, at page 4, lines 12-14.

Regarding the rejection of claims 1-20 under 35 USC 103(a) as allegedly being unpatentable over GB 2 066 839 A to Bares et al. (hereinafter "Bares") in view of WO 03/020867 to Forgaci et al. (hereinafter "Forgaci"):

Applicants respectfully traverse the rejection of the foregoing claims over Bares in view of Forgaci.

Prior to discussing the merits of the Examiner's position, the undersigned reminds the Examiner that the determination of obviousness under § 103(a) requires consideration of the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 [148 USPQ 459] (1966): (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill in the pertinent art; and (4) secondary considerations, if any, of nonobviousness. *McNeil-PPC, Inc. v. L. Perrigo Co.*, 337 F.3d 1362, 1368, 67 USPQ2d 1649, 1653 (Fed. Cir. 2003). There must be some suggestion, teaching, or motivation arising from what the prior art would have taught a person of ordinary skill in the field of the invention to make the proposed changes to the reference. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). But see also *KSR International Co. v. Teleflex Inc.*, 82 USPQ2D 1385 (U.S. 2007).

A methodology for the analysis of obviousness was set out in *In re Kotzab*, 217 F.3d 1365, 1369-70, 55 USPQ2d 1313, 1316-17 (Fed. Cir. 2000). A critical step in analyzing the patentability of claims pursuant to section 103(a) is casting the mind back to the time

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of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

It must also be shown that one having ordinary skill in the art would reasonably have expected any proposed changes to a prior art reference would have been successful. *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 1207, 18 USPQ2d 1016, 1022 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894, 903-04, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988); *In re Clinton*, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976). "Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem. Co.*, 837 F.2d 469, 473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

With respect to independents claims 1 and 5, the Patent Office acknowledges that Bares does not disclose presence of another water soluble alkali or alkaline earth metal salt during the addition of perfume to silicate (highly absorbent) carrier. The Patent Office introduces Forgaci as allegedly teaching (at page 3, line 25, page 6, lines 20-25, page 7, lines 10-30 and page 8, lines 1-3) a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salts carrier. The Patent Office alleges that it would have been obvious to add the inorganic alkali metal salts of Forgaci to Bares' perfume carrier with the motivation of enhancing delivery of perfume (without any harm or adverse effect to Bares' composition) to intended product and articles in contact. The Patent Office also alleges that addition of inorganic alkali metal salts to perfume carriers in different products are common in the art as evidenced by Forgaci.

Regarding claim 5, the Patent Office acknowledges that Bares does not teach a composition having at least 60% by weight of water soluble salt and 20% by weight of

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particulate carrier (see page 6 of the Office Action). The Patent Office alleges that the experimental modification of Bares in order to ascertain optimum operating conditions fails to render Applicants' claims patentable in the absence of unexpected results. Applicants respectfully disagree with the above-identified allegations by the Patent Office.

Bares teaches addition of perfume to detergents by adding perfume adsorbed on to a porous carrier (see page 1, lines 88-92). However, contrary to the allegations by the Patent Office, page 3, line 25, page 6, lines 20-25, page 7, lines 10-30 and page 8, lines 1-3 of Forgaci fail to teach or suggest a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salt carrier. Instead, these cited passages of Forgaci disclose:

(i) mixing an aqueous perfume emulsion and a colourant with

(see page 3, line 25);

the following process:

(i) mixing an aqueous perfume emulsion and a colourant with an inorganic granular carrier material; and

(ii) layering the resultant material with a finely divided porous particulate material.

(see page 6, lines 20-25);

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The granular carrier material may be any suitable material compatible with granular detergent compositions, such as for example hydratable alkaline inorganic salts such as sodium tripolyphosphate, sodium carbonate or sodium tetraborate; solid surfactant e.g. highly ethoxylated nonionic surfactant; alpha-hydroxy carboxylic acids e.g. citric acid; or other materials such as sodium chloride, crystalline alkali metal aluminosilicate, sodium sulphate, soap, sodium metasilicate, clays and corn starch. Sodium chloride is especially preferred.

The granular carrier material should have a particle size similar to that of a typical detergent powder. Typically it has a number average particle size of at least 100 microns.

Once the emulsified perfume has been mixed with the granular carrier material, a porous particulate layering material is then used to provide a dry layer to protect the emulsified perfume and to provide a flowable powder. The layering material may suitably comprise at least one highly absorbent

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(see page 7, lines 10-30); and

material selected from silicas, silicates and crystalline alkali metal aluminosilicates.

(see page 8, lines 1-3).

Nowhere does the above-identified passages of Forgaci teach, suggest or disclose a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salt carrier as alleged by the Patent Office.

Instead of teaching a perfumed laundry detergent composition wherein the perfume is added to a silicate and alkali metal salt carrier, Forgaci teaches perfume included in

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colored speckles. Specifically, Forgaci discloses:

Surprisingly the present inventors have discovered that the delivery of perfume may be significantly enhanced and prolonged if the perfume is included in coloured speckles.

(see page 3, lines 3-5).

Additionally, Forgaci teaches that the speckles are comprised of perfume and a colorant on an inorganic granular carrier material. Specifically, Forgaci discloses:

The speckles (perfumed coloured granular composition) comprise a perfume, preferably in aqueous emulsion form, and a colourant, on an inorganic granular carrier material. The speckles comprise at least 1 wt% perfume and preferably comprise at least 1.5 wt%.

(see page 4, lines 9-13).

Further, the process for manufacturing the perfumed colored granular composition according to Forgaci requires the steps of (i) mixing an aqueous perfume emulsion and a colorant with an inorganic carrier material and (ii) layering the resultant material with a finely divided porous particulate material. Specifically Forgaci discloses:

15 The Process

The perfumed coloured granular composition for use as speckles in a particulate laundry detergent composition according to the present invention may be manufactured by 20 the following process:

- (i) mixing an aqueous perfume emulsion and a colourant with an inorganic granular carrier material; and
(ii) layering the resultant material with a finely divided 25 porous particulate material.

(see page 6, lines 15-25).

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Not only is the resultant material of Forgaci layered, but it is layered with a finely divided porous particulate layering material selected from silicas, silicates and crystalline alkali metal aluminosilicates. Moreover, the granular carrier material of Forgaci may be hydratable alkaline inorganic salts or sodium chloride. Specifically, Forgaci discloses:

The layering

material may suitably comprise at least one highly absorbent material selected from silicas, silicates and crystalline alkali metal aluminosilicates.

(see page 7, line 29 – page 8, line 2); and

any suitable material compatible with granular detergent compositions, such as for example hydratable alkaline inorganic salts such as sodium tripolyphosphate, sodium carbonate or sodium tetraborate; solid surfactant e.g. highly ethoxylated nonionic surfactant; alpha-hydroxy carboxylic acids e.g. citric acid; or other materials such as sodium chloride, crystalline alkali metal aluminosilicate, sodium sulphate, soap, sodium metasilicate, clays and corn starch. Sodium chloride is especially preferred.

(see page 7, lines 11-20).

Thus, Forgaci, at best, teaches a perfumed particle, which may be sodium chloride, which, after perfuming, is coated with a layer of particulate absorbent material. In other words, Forgaci teaches a particulate carrier, to which fragrance is added, and then layered with a porous particulate layering material. The perfumed colored granular composition (colored speckles) and process for making the same according to Forgaci is completely different from the teachings of Bares, and does not remedy the acknowledged deficiencies of Bares as alleged by the Patent Office.

Therefore, neither Bares nor Forgaci, taken singly or in combination, teaches or suggests a method of preparation of a free-flowing solid fragrance-providing composition, comprising the addition of a fragrance to a particulate carrier material in the presence of a

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water-soluble salt of an alkali or alkaline earth metal as required by claim 1. Moreover, Bares and Forgaci, taken singly or in combination, fail to teach or suggest a free-flowing solid fragrance-providing composition, consisting essentially of a particulate carrier on which is deposited a fragrance and a water-soluble salt of an alkali or alkaline earth metal as recited in claim 5.

Because these features of independent claims 1 and 5 are not taught or suggested by Bares and Forgaci, taken singly or in combination, these references would not have rendered the features of claims 1-10 and 12-20 obvious to one of ordinary skill in the art.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-10 and 12-20 under 35 U.S.C. 103(a) are respectfully requested.

Regarding new claim 21:

The references of record, taken singly or in combination, fail to teach or suggest a method comprising (i) mixing a particulate carrier material and a water-soluble salt of an alkali or alkaline earth metal prior to addition of a fragrance and (ii) adding the fragrance to the particulate carrier material and the water-soluble salt of the alkali or alkaline earth metal as recited in newly presented claim 21.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

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CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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Date:

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